

## **False or Insupportable Statements by GoodPoint Recycling as Published in the December Edition of E-Scrap News**

Upon opening the latest E-Scrap News (ESN), BAN and our many supporters were shocked to find an opinion column by GoodPoint Recycling's Robin Ingenthron containing many untrue and libelous statements regarding the e-Stewards Initiative. Since that time Resource Recycling has agreed with us that many of the statements were untrue and has agreed to allow BAN to set the record straight on their future pages.

Until all of these rebuttals are published, BAN has issued this review of the facts in order to counter the false and damaging statements made about the e-Stewards by Mr. Ingenthron. Please find these taken one by one below from the text of the Talking Points Column (E-Scrap News, December edition).

**Paragraph 2:** *"There were some companies on the old pledge list that were exporting a lot of material..."*

→ This is an allegation that we cannot accept. The implication is that our Pledgers were exporting something in violation of their Pledge. Saying people are cheating without proof of this seriously diminishes our program and its member's credibility and is the worst form of demagoguery. We have repeatedly asked Mr. Ingenthron for evidence of these loose allegations so we could take action but he refuses to do so. Robin should either provide proof of these allegations or withdraw them at once.

**Paragraph 4:** *"Ten of the 14 Companies on the list, I know very well."*

→ From this statement it is clear that Robin has mistakenly used the wrong list. He is making reference to the 14 founder companies that have helped fund our certification. He is not looking at the much longer list of 41 licensed e-Steward Recyclers. Thus he is basing much of his article on the wrong list of companies.

**Paragraph 6:** *"BAN's response to this has been that the export of a good unit provides an alibi for bad exporters."*

→ We have never made that statement. I am not even sure what it means. What we have said is that exporting good units is wonderful as long as they are going to a legitimate reuse destination. We even support exporting bad units for repair as long as all hazardous non-working parts are removed prior to export. It is unacceptable that Robin purports to speak for us and yet has us saying things we could never possibly say.

**Paragraph 6:** *"Though Annex IX of the Basel Convention explicitly allows it, BAN has interpreted any removal of any part of a machine to be 'waste generation' and, therefore argues that 'export for repair and refurbishment' actually means 'tested working'."*

→ Annex IX does not explicitly allow it. The stakeholders in the Mobile Phone Partnership Initiative (MPPI) studied the text of Annex IX and Annex IV of the Basel Convention very carefully and realized that there were contradictions and a great deal of ambiguity. I will not get into the detail of those long discussions except to say that direct reuse v. reuse was not clearly defined in the Convention. "Major reassembly" was also not defined.

And further and most persuasive, because "recycling and disposal" was considered to always include waste, it was determined that repair that involved recycling or disposal was a waste destination. Due to the ambiguity found in the Convention annexes, the MPPI created a guidance document to provide recommendations to the Parties on how to interpret the Convention for exports of material for repair. The Convention has in fact since drafting Annex IX, thus created an interpretive Guidance Document under the Mobile Phone Partnership Initiative that indicates that materials exported for repair can very well constitute a waste under the Basel Convention. This is not BAN's interpretation but is found in a document provisionally approved by the Basel Convention Parties." This guidance document can be found here: <http://www.basel.int/industry/mppiwp/guid-info/guidTBM.pdf>

**Paragraph 7:** *"E-Steward certification requires that units be repaired in the U.S. however the competing R2 standard allows "key functions" to be present."*

→ Actually the BAN standard does not require functionality of non-hazardous waste and therefore allows non-hazardous components or equipment to be repaired anywhere in the world. The statement about R2 is not clear as to what is meant as the e-Steward standard also allows "key functions" to be present.

**Paragraph 8:** *"...if an e-Steward were to participate in this trade, they would be excommunicated by BAN."*

→ Forgoing the use of the word "excommunicated" as poetic license, we are still left with an erroneous statement. If the units were tested and all non-functioning hazardous parts were removed prior to export, and all hazardous parts were destined for legitimate reuse then this trade would be acceptable to BAN and the e-Steward standard.

**Paragraph 9:** *"But, BAN feels that letting the repair happen in the factory that made the monitor originally is akin to exporting U.S. repair jobs, regardless of the fact that there is virtually no domestic repair occurring."*

→ Again, a statement is attributed to BAN which we have never made and would not make. It is not BAN's position that we are upholding but that of the Basel Convention. It is illegal for Malaysia to import hazardous wastes from the US. The MPPI negotiations resulted in a likely interpretation (one accepted by all Parties present) that repair involving discarded parts constitutes waste trade. The concern regarding exporting jobs has nothing to do with our export requirements in our standard. If Robin wished to comply with the Basel Convention by simply testing the CRTs prior to export and removing hazardous parts or parts that are to be discarded, then we would all be happy. However he has made it clear he refuses to do that.

**Paragraph 12:** *"Leapfrog," BAN says -- they should get newer computers like Western nations...."*

→ BAN has never stated that all developing nations should only get new computers. We have only stated that they should not get toxic waste as part of the bargain. One expert in our film the "Digital Dump" did take that view but BAN's final statement in the same film stated that "reuse is paramount" and our e-Stewards standard allows the export for

direct reuse of working used equipment.

**Paragraph 18:** *"We have seen BAN bans before. They win applause by shutting off access to the good factories, like Samsung's plant in Klang, Malaysia..."*

This statement is utterly false. Malaysia acted on its own to halt the import of CRT glass from the US. We believe that this was done due to their obligation under Article 4 paragraph 5 of the Convention and the Annex VIII listing of CRT glass as being a hazardous waste. This is a particularly disturbing allegation by Robin, as it was BAN that offered Malaysia a way to legally get around the Article 4 paragraph 5 requirement by making the argument that glass-to-glass importation of cleaned glass could be considered an export of non-waste as the material would be akin to a raw material going into a primary furnace. Malaysia for whatever reason chose not to make this distinction despite the fact that BAN stated they would support this view.

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For more information about the e-Steward program please visit: [www.e-Stewards.org](http://www.e-Stewards.org).